

Docket No.: GR 97 P 1593

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Lenniger et al.  
Applic. No. : 09/436,598  
Filed : November 9, 1999  
Title : Power Semiconductor Module With Ceramic Substrate  
Examiner : David E. Graybill - Art Unit: 2814

LETTER

Hon. Commissioner of Patents and Trademarks,  
Washington, D. C. 20231

Sir:

Applicants submit the instant letter in response to the Interview Summary mailed on August 3, 2001. The Summary was issued in an attempt to memorialize a conversation between the undersigned and Examiner Graybill. The Summary contains the following remarks:

"Applicant inquired about the status of the application. It was agreed that the Request for Reconsideration entered 7-2-01 would be considered and submitted for entry on 8-2-01."

This statement is somewhat consistent with the actual conversation between the above-identified persons. However, in the Advisory Action accompanying the Summary, the Examiner indicated that the Declaration "will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection." This statement is entirely at odds with the conversation between the above-identified persons. Accordingly, applicants submit the following and request that the Interview Summary be withdrawn and amended, and that the Response, filed on July 2, 2001, under 37 CFR 1.116 be entered along with the accompanying Declaration filed under 37 CFR 1.132.

On August 2, 2001, the undersigned called the Examiner to inquire about the status of the application, specifically with respect to the Response filed under 37 CFR 1.116 and the accompanying Declaration under 37 CFR 1.132. The undersigned first stated that the two-month period for extension of time to respond to the March 2, 2001 Office action was

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expiring and that applicants needed to know the status of an Advisory Action that should issue in response to applicants July 2, 2001 filing. Such status was needed to determine whether to file a Notice of Appeal or to file a Request for Continued Examination (RCE). The Examiner stated the following in response to the undersigned's request:

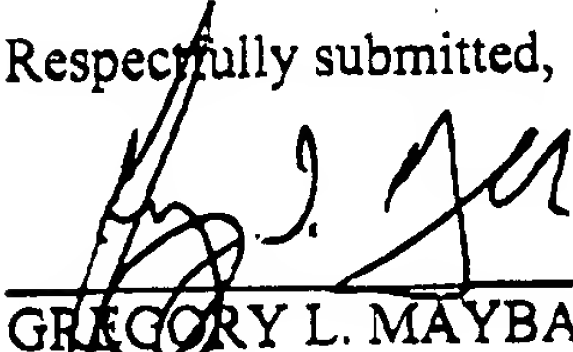
"The response was not read yet but would be read by the end of the day and entered by tomorrow [August 3, 2001]." (Emphasis added.)

Based upon the Examiner's agreement to enter applicants July 2, 2001 filing -- which included the Section 132 Declaration -- applicants filed a Notice of Appeal. The Notice of Appeal was filed because the undersigned knew that the Examiner was entering the Declaration and that such Declaration would be included as part of the Appeal.

However, as set forth above, the Examiner did not enter the Declaration as agreed.

Accordingly, applicants respectfully request that the Interview Summary be withdrawn and amended, and that the Declaration filed under 37 CFR 1.132 and the Response under 37 CFR 1.116 both be entered for Appeal.

Respectfully submitted,

  
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GREGORY L. MAYBACK  
For Applicants

Date: August 9, 2001

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